

Maltz, Greg

Dear Planning Commission,

During my correspondence with Kelly Diekmann, he voiced some of Staff's concerns over my project. He recommended I articulate my reply in a letter to Planning and submit it with my proposal. This should help provide justification for the project and answer any lingering questions.

Height and Housing Stock

Regarding Staff's concerns about height and the existing housing stock, please keep in mind that there are more than 50 two-story houses (addresses itemized below) within three blocks of 321 Flora Vista Ave, and many within one block. The majority of these structures are voluminous, obtrusive and fully visible from streets and sidewalks compared to my proposed addition. Of particular note is one of my backyard neighbors with two highly visible two-story houses built on one lot at 356 Carroll--both of which are taller than the structure I am proposing. Also at the corner of Carroll and Iowa, a two-story addition is currently being built with a minimal setback from the sidewalk. And just around the corner from me on E. McKinley is a row of immense two-story duplexes and single family homes including 397, 355, 347, 345, 337, 335, 329, 327, 321 and 319 E. McKinley.

The following itemizes some of the two-story structures in my neighborhood, many of which are enormous, bulky and obtrusive.

Bayview: 255-275 (entire complex), 270, 252, 315, 325, 431, 433, 520
Bryan: 423, 433, 442, 468/472, 490, 498
Carroll: Pacific Bell Bldg, 356, 354, 363, new addition at Carroll and Iowa
Central: 312, 345
Iowa: entire complex at 359
E. McKinley: 298 (De Anza Bldg), 319, 321, 327, 329, 335, 337, 345, 347, 355, 397, 423, 445, 449, 453, 457, 473, 479, 499
Olive: 135, 155, 225, 348
Saturn Terrace: entire townhome complex (12 units)
Sunnyvale: 334, entire complex at 390

I encourage staff to walk around my neighborhood to see these structures. I think you will agree that my proposal is comparably modest. The height is well under the limit and the setback is significant considering the existing structures. The east-west layout of the addition and its position in relation to the street and neighboring structures will make it unobtrusive and not highly visible. My proposal is in keeping with the craftsman style, when viewed from the East.

In addition to the structures at the above addresses, the area around my neighborhood has many large modern structures, including the Mozart buildings and the proposed open-air mall which is planned two blocks from my house. Given these changes and the number of two-story houses in my neighborhood--two of the tallest of which are visible from my back yard--I do not believe concerns about height and existing housing stock should prohibit my plans. I have taken great care that my proposal makes the bulk of my second story invisible from the street.

Solar Variance

Regarding Staff's concerns about the solar study, the neighbor's low-lying, existing-nonconforming garage is the sole reason I needed to file a variance. I encourage staff to visit the site and take a look. The neighboring lot with the garage has multiple structures that may be decent choices for solar panels. The garage is not one of those structures. The roof is abnormally low, and the garage is built to the edge of the lot, creating an unusual circumstance. I think you will agree, as the owner of the neighboring lot says in his signed letter included in the proposal, that staff should not consider this

garage when evaluating data from the solar study. And of course, if one factors out this garage from the results of the solar study, I am well within the city's guidelines.

Kelly suggested submitting an explanation to support the fact that my choice of second story location is limited and that alternates would have a similar impact to the location that I have chosen. In fact, I originally intended to have the entire second story further to the west, away from the garage that is impacted in the solar study. Unfortunately, Sunnyvale's guidelines for additions are very stringent for houses with a one-car garage, and there was no way to move the second story to the West without stretching the total square footage in excess of the 1800 sq ft limit.

There is also no way to move the second story to the south, away from the neighbor's garage without significantly impacting both my existing structure and existing yard, both of which I am attempting to preserve as much as possible. Nor is there a way to add a two-car garage and also preserve the yard and existing structure. So I did have options that would not result in shading the existing-nonconforming low-lying garage that will never be used to support solar panels, but those options were not tenable. Therefore, I filed a variance for shading an existing-nonconforming low-lying garage that would never be used to support solar panels. I hope Staff agrees this was the correct choice, rather than rethink or shelve my entire proposal.

Proximity of Proposed Garage to Street

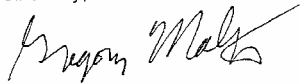
Again, I must urge Staff to visit the site at Flora Vista and see the neighbor's existing-nonconforming garage built to the edge of the lot and to the sidewalk with no significant setback. Set between this structure and my own existing-nonconforming structure, my proposed garage would not only appear set farther back from the street than neighboring structures, but would also be invisible unless viewing my proposed house directly from the East. Cars proceeding on Flora Vista would not even see it, as it would be shielded by the neighbor's garage to the north and my existing structure to the south.

Thank you for taking the time to read my justification for the project. I hope I have effectively explained that the proposal is a carefully balanced plan to:

- respect my existing structure as a heritage resource
- maximize yard space and privacy
- comply fully with setback, height and square footage limits
- create a balanced architectural scheme with one foot in the past and one in the future of this dynamic neighborhood

I have lived in the existing house now for two years. My house and the neighboring houses on the heritage resource list make an inviting view on Flora Vista, with our similar protruding gables and craftsman-style architecture. I would not want to disrupt that view and that craftsman feel at the front of the house. My architect and I have worked for about one year, kicking ideas back and forth and settling on what we believe is the best possible proposal. As Planning reviews this proposal, I hope you keep in mind the way the neighborhood is changing, the condition and size of the older homes such as mine, and the future of Flora Vista Ave. Most cities would be delighted if a homeowner such as myself proposed to sink the resources it will take to bring my tiny old home into the 21st century, and to stay in the neighborhood rather than move elsewhere.

Sincerely,



Greg Maltz

VARIANCE JUSTIFICATIONS

Justifications must be submitted by the applicant with all Variance applications. Use this sheet or a separate sheet of paper to complete all of the three statements below.

In granting a Variance, all of the following justifications must be made by the Planning Commission or the Administrative Hearing Officer:

19.84.050. Findings.

(a) A Variance from the requirements of this title, except for the height of a ground sign, shall be approved only upon a showing by the applicant that:

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner of privileges enjoyed by other properties in the vicinity and within the same zoning district.

EXISTING HOUSE IS NON-CONFORMING AND ENCRONES INTO REQUIRED SINGLE STORY FRONT YARD 20'-0" SET BACK. THE ONLY WAY TO PROPERLY LINK THE EXISTING HOUSE TO THE NEW ADDITION REQUIRES 95 SQ. FT OF NEW CONSTRUCTION INTO 2ND STORY SETBACK. ADJACENT GARAGE STRUCTURE @ 354 E. MCKINLEY AVE IS NON-CONFORMING - BUILT ON LOT LINE. THIS PREVENTS ANY POSSIBILITY OF MEETING SUN SHADING REQUIREMENTS.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.

ATTACHED TO THIS APPLICATION IS A LETTER DRAFTED BY THE PROPERTY OWNER @ 354 MCKINLEY AVE. THIS OWNER IS THE PROPERTY MOST EFFECTED BY THE VARIANCE & HAS DRAFTED THE ATTACHED LETTER IN SUPPORT OF THE PROJECT.

3. Upon granting of the Variance the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

BECAUSE OF THE CONSTRAINTS PRESENTED BY THE EXISTING - NON-CONFORMING HOUSE ON THE SITE - & THE NON-CONFORMING STRUCTURE ON THE ADJACENT LOT - THE VARIANCE WILL NOT CREATE AN EASIER CONDITION FOR THE OWNER'S DESIGN. EVEN WITH THE REQUESTED VARIANCE, MANY COMPROMISES ARE REQUIRED TO ACHIEVE THE PROJECT'S CURRENT LEVEL OF CONFORMANCE.

If you need assistance in answering any of these justifications, contact the Planning Division staff at the One Stop Permit Center.